

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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NEXTGEAR CAPITAL, INC.,

Plaintiff,

v.

ANTONIO L. GUTIERREZ; PAUL  
GUTIERREZ,

Defendants.

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: CIVIL ACTION  
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: CASE NO.: 3:18-cv-01617-MEM  
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: ELECTRONICALLY FILED  
: (Judge Mannion)  
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**PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT**

**AND NOW COMES** the Plaintiff, NextGear Capital, Inc. ("NextGear"), through the undersigned counsel, Eckert, Seamans, Cherin & Mellott, LLC, and requests that the Clerk of Court, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, enter default against Defendant, Antonio L. Gutierrez. In support of this request, NextGear relies upon the record in this case and the certification submitted herein.

**WHEREFORE**, NextGear respectfully requests the entry of default against Defendant, Antonio L. Gutierrez.

**ECKERT SEAMANS CHERIN & MELLOTT, LLC**  
*Attorneys for Plaintiff, NextGear Capital, Inc.*

By: /s/ Nicholas M. Gaunce  
NICHOLAS M. GAUNCE (PA ID 206228)  
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Dated: November 6, 2018

**CERTIFICATE OF FILING AND SERVICE**

I, Nicholas M. Gaunce, hereby certify that, on or about this 6<sup>th</sup> day of November, 2018, a true and accurate copy of the foregoing Motion for Entry of Default against Antonio L. Gutierrez was filed with the Court via the Court's ECF system and served upon the below via certified mail, return receipt requested, and regular mail, as follows:

Antonio L. Gutierrez  
100 Alexander Way  
Edgewater, New Jersey 07020

-and-

Paul Gutierrez  
361 Maple Street  
Moonachie, New Jersey 07074

Pursuant to 28 *U.S.C.* § 1746, I certify under penalty of perjury that the foregoing is true and correct.

Dated: November 6, 2018

By: /s/ Nicholas M. Gaunce  
Nicholas M. Gaunce